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Approved:


TIMOTHY V. CAPOZZI
Assistant United States Attorney

Before: THE HONORABLE ONA T. WANG
United States Magistrate Judge
Southern District of New York

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UNITED STATES OF AMERICA	:	<u>SEALED COMPLAINT</u>
- v. -	:	Violations of
HEBERTO EMIRO ACEVEDO MOLINA and	:	18 U.S.C. § 1349
MIGUEL ANGEL RAMIREZ LAURENS,	:	COUNTY OF OFFENSE:
	:	NEW YORK
Defendants.	:	

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SOUTHERN DISTRICT OF NEW YORK, ss.:

CALEB PIKE, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation, and charges as follows:

COUNT ONE
(Conspiracy to Commit Bank Fraud)

1. From at least in or about January 2019, up to and including in or about March 2020, in the Southern District of New York and elsewhere, HEBERTO EMIRO ACEVEDO MOLINA and MIGUEL ANGEL RAMIREZ LAURENS, the defendants, and others known and unknown, willfully and knowingly did combine, conspire, confederate, and agree together and with each other to commit bank fraud, in violation of Title 18, United States Code, Section 1344.

2. It was a part and an object of the conspiracy that HEBERTO EMIRO ACEVEDO MOLINA and MIGUEL ANGEL RAMIREZ LAURENS, the defendants, and others known and unknown, willfully and knowingly, would and did execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain money, funds, credits, assets, securities and other property owned by and under the custody and control of a financial institution, by means of false and fraudulent

pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

(Title 18, United States Code, Section 1349.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

3. I am a Special Agent with the Federal Bureau of Investigation, and I have been personally involved in this matter. This affidavit is based upon my investigation; my conversations with law enforcement agents, witnesses, and others; and my examination of reports and records. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

The Scheme

4. As described in greater detail below, from at least in or about January 2019, up to and including in or about March 2020, HEBERTO EMIRO ACEVEDO MOLINA and MIGUEL ANGEL RAMIREZ LAURENS, the defendants, executed a fraudulent scheme whereby the defendants deposited counterfeit checks into bank accounts at a particular bank ("Bank-1"). After the checks were deposited into bank accounts, participants in the scheme directed the holders of those accounts to transfer funds from those bank accounts into other bank accounts. In total, between in or about January 2019 and in or about March 2020, the defendants and their co-conspirators deposited or attempted to deposit over \$2.6 million in counterfeit checks, causing a loss to Bank-1 during that period of at least approximately \$240,000.

The Defendants

5. Based on my review of United States Customs and Border Protection records (the "CBP Records") associated with HEBERTO EMIRO ACEVEDO MOLINA, the defendant, on or about June 10, 2011, MOLINA was issued a temporary visitor visa with an expiration date of on or about June 8, 2021. According to the CBP records, MOLINA was born in a particular country ("Country-1").

6. Based on my review of Florida State Department of Motor Vehicles records (the "Florida DMV Records") associated with MIGUEL ANGEL RAMIREZ LAURENS, the defendant, LAURENS was

issued a Florida driver's license on or about February 12, 2019. According to the Florida DMV records, LAURENS resided in Orlando, Florida and was born in Country-1.

The Bank-1 Records

7. Based on my conversations with a Bank-1 fraud investigator and my review of Bank-1 records, I have learned the following, in substance and in part:

a. From at least in or about January 2019, up to and including in or about March 2020, a group of individuals deposited or attempted to deposit at least approximately 250 counterfeit checks (the "Counterfeit Checks"), which were made to appear as if they were legitimate checks issued by financial institutions. In fact, the Counterfeit Checks were drawn on accounts that did not exist.

b. The Counterfeit Checks have a combined purported value of approximately \$2.6 million, and the scheme caused a loss to Bank-1 of at least approximately \$240,000.

c. The Counterfeit Checks were frequently deposited via teller counters or automated teller machines ("ATM") of Bank-1, including ATMs located in the Southern District of New York.

d. Based on my comparison of an image of HEBERTO EMIRO ACEVEDO MOLINA, the defendant, contained in the CBP Records to security video images obtained from Bank-1, it appears that MOLINA personally deposited or attempted to deposit at least approximately 193 of the Counterfeit Checks, with a combined purported value of at least approximately \$2,038,684. For example:

i. On or about June 25, 2019, MOLINA deposited via ATM a counterfeit check purportedly drawn on a fictitious bank account held in the name of "William S. Hein & Co Inc." in the amount of \$30,000 at a branch of Bank-1 located in the vicinity of Wall Street in New York, New York. MOLINA deposited the check into an account at Bank-1 ending in 6358.

ii. On or about July 9, 2019, MOLINA deposited via ATM a counterfeit check purportedly drawn on a fictitious bank account held in the name of "Citi Customer Remediation" in the amount of \$30,000 at a branch of Bank-1 located in the Chelsea neighborhood of New York, New York. MOLINA deposited the check into an account at Bank-1 ending in 4645.

iii. On or about July 29, 2019, MOLINA deposited via ATM a counterfeit check purportedly drawn on a fictitious bank account held in the name of "Affordable Auto Sales & Service" in the amount of \$22,000 at a branch of Bank-1 located in Winter Park, Florida. MOLINA deposited the check into an account at Bank-1 ending in 5858.

e. Based on my comparison of an image of MIGUEL ANGEL RAMIREZ LAURENS, the defendant, contained in the Florida DMV Records to security video images from Bank-1, it appears that LAURENS personally deposited or attempted to deposit at least approximately six of the Counterfeit Checks, with a combined purported value of at least approximately \$47,440. For example:

i. On or about June 13, 2019, LAURENS appears to have deposited via teller counter a counterfeit check purportedly drawn on a fictitious bank account held in the name of "Juan Jose Hernandez Gomez" in the amount of \$10,000 at a branch of Bank-1 located in Kissimmee, Florida. The check was deposited into an account at Bank-1 ending in 6412.

ii. On the same day, June 13, 2019, LAURENS appears to have deposited via teller counter another counterfeit check purportedly drawn on a fictitious bank account also held in the name "Juan Jose Hernandez Gomez" in the amount of \$8,500 at a different branch of Bank-1 in Kissimmee, Florida. The check was deposited into an account at Bank-1 ending in 5975.

iii. On or about the next day, June 14, 2019, LAURENS appears to have deposited via teller counter a counterfeit check purportedly drawn on a fictitious bank account also held in the name "Juan Jose Hernandez Gomez" in the amount of \$5,820 at a third branch of Bank-1 located in Kissimmee, Florida. The check was deposited into an account at Bank-1 ending in 1339.

iv. On the same day, June 14, 2019, LAURENS appears to have deposited via teller counter a counterfeit check purportedly drawn on a fictitious bank account also held in the name "Juan Jose Hernandez Gomez" in the amount of \$7,700 at a fourth branch of Bank-1 in Kissimmee, Florida. The check was deposited into an account at Bank-1 ending in 1636.

f. The Counterfeit Checks were deposited into bank accounts at Bank-1, including but not limited to the accounts

referenced above in paragraphs 7(d) and 7(e) (the "Recipient Accounts").

g. Many of the Recipient Accounts into which the Counterfeit Checks were deposited were held by individuals from Country-1.

h. On or about February 19, 2019, a bank account at Bank-1 was opened in the name of MIGUEL A. RAMIREZ LAURENS, the defendant. The account received funds electronically transferred from at least one Recipient Account.

i. Between in or about June 2019 and in or about February 2020, funds were electronically transferred over 45 times from another bank account at Bank-1 opened in the name of LAURENS and bank accounts in the name of LAURENS at other banks to a bank account at Bank-1 opened in the name of a particular individual (the "Individual-1 Account"), totaling approximately \$11,617.

j. Based on my comparison of an image of MOLINA contained in the CBP Records to security video images from Bank-1, it appears that MOLINA has made withdrawals from the Individual-1 Account, including at least five withdrawals between on or about January 10, 2020 and on or about January 22, 2020, totaling approximately \$930.

The Phone Records

8. Based on my review of records from a cellphone store (the "Cellphone Store") located in Brooklyn, New York, and my discussions with employees of the Cellphone Store, I have learned the following, in substance and in part:

a. On or about January 20, 2020, HEBERTO EMIRO ACEVEDO MOLINA, the defendant, visited the Cellphone Store and bought two prepaid cellphones.

b. MOLINA and Individual-1 paid for the cellphones with a debit card in the name of Individual-1.

c. The name "PACHO HERRERA" was assigned to the cellphones instead of the true name of either MOLINA or Individual-1.

9. Based on my review of phone records, on or about February 7, 2020, one of the cellphones purchased by HEBERTO EMIRO ACEVEDO MOLINA, the defendant, at the Cellphone Store

communicated with a cellphone subscribed to by MIGUEL ANGEL RAMIREZ LAURENS, the defendant.

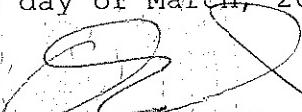
10. From publicly available materials, as well as training, education, and experience as a Special Agent with the Federal Bureau of Investigation, I know that, from in or about January 2019 to at least in or about March 2020, the deposits of Bank-1 were insured by the Federal Deposit Insurance Corporation.

WHEREFORE, deponent respectfully requests that warrants be issued for the arrests of HEBERTO EMIRO ACEVEDO MOLINA and MIGUEL ANGEL RAMIREZ LAURENS, the defendants, and that they be arrested, and imprisoned or bailed, as the case may be.



Caleb Pike
Special Agent
Federal Bureau of Investigation

Sworn to before me this
11th day of March, 2020



THE HONORABLE ONA T. WANG
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK